

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECEIPT LLC,

Plaintiff

v.

**VICTORIA'S SECRET STORES,
LLC,**

Defendant

Case No. 6:19-cv-00747

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff eCeipt LLC ("Plaintiff" or "eCeipt") hereby asserts the following claims for patent infringement against Defendant Victoria's Secret Stores, LLC. ("Defendant"), and alleges, on information and belief, as follows:

THE PARTIES

1. eCeipt is a limited liability company organized and existing under the laws of the Texas with its principal place of business at 17330 Preston Road, Suite 200, Dallas, Texas 75252.
2. Defendant is a corporation organized and existing under the laws of Delaware with corporate address of Three Limited Parkway, Columbus, Ohio 43230.

JURISDICTION AND VENUE

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

4. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

5. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has regular and established places of business in this judicial district.

THE PATENT-IN SUIT

6. On February 4, 2014, United States Patent No. 8,643,875 (the "'875 patent"), entitled "Receipt Handling Systems, Print Drivers and Methods Thereof," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '875 patent is attached hereto as Exhibit A.

7. As explained in the '875 patent:

In a conventional case of purchasing at a store location, when a customer makes a purchase, a receipt is printed and handed to the customer after the purchasing transaction is complete. Often, customers may quickly throw away the receipts, creating unnecessary waste. Or, customers may misplace their receipts. Later, when the receipt is required, such as for a return, the customer can't find the receipt when it is needed.

In the conventional case of purchasing online, when a customer makes a purchase, a receipt may be e-mailed to the customer and/or the customer may print a receipt on the printer associated with the customer's computer.

In the related art, when a customer makes a purchase at a store location, a receipt is e-mailed to an e-mail address of the customer.

There is a need for improved systems that avoids the waste associated with unwanted receipts, that e-mails a receipt to a customer, that allows a customer to obtain a printed receipt at the store location and

that enables marketing capabilities associated with e-mailed receipts and any associated analytics.

Ex. A at 1:15-35.

8. To solve this need for improved systems, the inventors of the '875 patent had to create a method for a point-of-sale ("POS") system to use, and the method had to be able to be implemented on various existing POS systems. *Id.* at 4:19-22. In other words, the inventors had to devise a receipt handling system that could be used with existing POS systems to technologically improve them to obviate their shortcomings identified above.

9. The claims of the '875 patent describe an approach to accomplishing a specific, practical, and useful improvement to the existing computer-aided processes used for "receipt handling systems, print drivers and methods thereof that substantially obviate one or more of the problems due to limitations and disadvantages of the related art." *Id.* at 1:39-42. The computer-implemented methods are used to perform a distinct process to provide a person with the option of having his or her receipt printed at the store location, e-mailed or both, and then having the receipt e-mailed to him or her if that option is selected.

10. The '875 patent's claimed inventions' incorporation of providing the option to print the receipt at the store location or e-mail the receipt to the customer, and then, if the option to e-mail the receipt was selected, transmitting image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location, and the transaction data to a server in communication with the POS systems at the store location, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data improved the existing

technological process by allowing the automation of further tasks, such as assigning an e-mail template based on the data file transmitted to the server and sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.

11. The '875 patent's claims aid in the technological goal of giving customers the option to have receipts printed at the store or e-mailed or both and then adhering to the customers' selections. These are not claims that contain mere token references to a computer or its use; instead, these claims are explicitly tied to computers. Indeed, the claims are tangible, each covering an approach to receipt handling systems used by POS systems, which is a specific technological process.

12. The claims of the '875 patent improve the functioning of a POS system. The '875 patent is directed to computer-centric problems of POS systems not being able to provide the option to customers to have receipts printed at the store or e-mailed or both, and then follow the customers' selections. *Id.* at 1:15-35.

13. The technology disclosed in the '875 patent may be configured, designed, and/or operable to provide a number of different advantages and/or benefits over the prior art.

As described in the specification,

[T]he present invention is directed to receipt handling systems, print drivers and methods thereof that substantially obviate one or more of the problems due to limitations and disadvantages of the related art.

An advantage of the present invention is to provide receipt handling systems, print drivers and methods capable of reducing production of waste paper.

Another advantage of the present invention is to provide receipt handling systems, print drivers and methods capable of e-mailing a receipt to a customer.

Yet another advantage of the present invention is to provide receipt handling systems, print drivers and methods that allow a customer to obtain a printed receipt at the store location.

Yet another advantage of the present invention is to provide receipt handling systems, print drivers and methods that enable marketing capabilities associated with e-mailed receipts and any associated analytics.

Id. at 1:39-55.

14. eCeipt is the assignee and owner of the right, title and interest in and to the '875 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,643,875

15. eCeipt repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Claim 1 of the '875 Patent recites:

1. A method of processing receipts, comprising:

[a] obtaining transaction data from a point-of-sale (POS) computer system at a store location, the transaction data including a plurality of categories of information necessary to describe a purchasing transaction of a customer at the store location;

[b] obtaining image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location;

[c] obtaining an e-mail address of the customer from a customer information database persistently associated with the POS system;

[d] providing, to a display device at the store location, an option to print the receipt at the store location and an option to e-mail the receipt to the customer;

[e] obtaining a selection of at least one of the provided options;

[f] if the option to print is selected, initiating printing of the image data at the store location; and

[g] if the option to e-mail is selected, e-mailing the receipt to the customer, including:

[g1] providing the e-mail address obtained from the customer information database to a display device at the store location;

[g2] obtaining customer confirmation whether the e-mail address is correct;

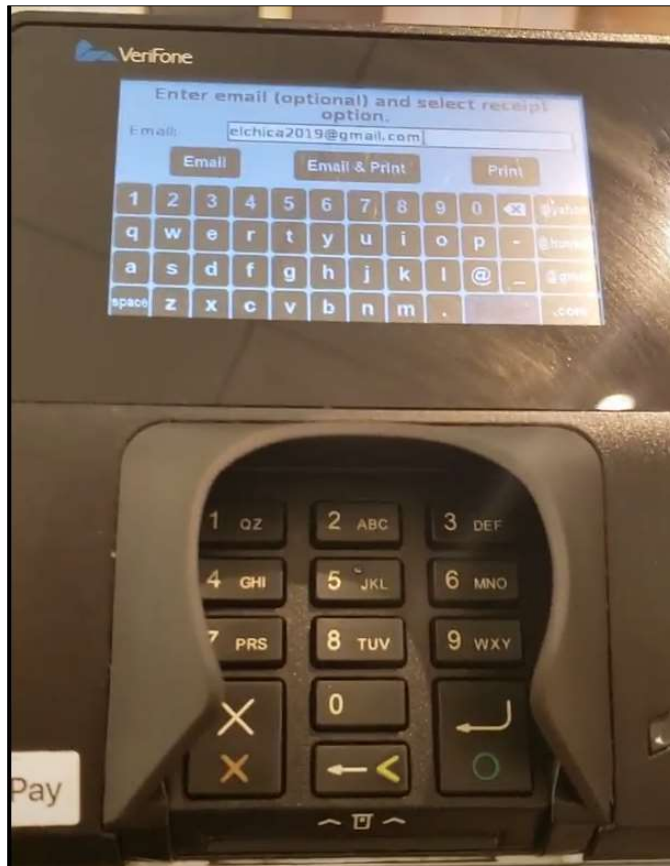
[g3] if the e-mail address is not correct, obtaining a corrected e-mail address of the customer;

[g4] transmitting the image data and the transaction data to a server in communication with one or more POS systems at one or more store locations, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data;

[g5] assigning an e-mail template based on the data file transmitted to the server; and

[g6] sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.

17. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '875 patent by making, using, importing, offering for sale, and/or selling computer implemented methods for processing receipts that obtain transaction data from a point-of-sale (POS) computer system at its stores:



VICTORIA'S SECRET

Thank you for shopping at Victoria's Secret, the e-Receipt you requested is detailed below

Alamo Quarry Market
255 E Basse Road
SPACE 230
San Antonio, TX 78209
210-824-0625

8/13/20 2:29 PM Trans.: 2751
Store: 50873 Reg.: 003 Till: 1003
Cashier: 3026495

SALE

GET THE LATEST INFO ON
VICTORIA'S SECRET EVENTS, OFFERS,
NEW STYLES AND MORE!

Sign up at VictoriasSecret.com/SignUp

PNK HEADWEAR		9.50 T
0667553847881	1 @ 9.50	
PNK HEADWEAR		9.50 T
066755970114	1 @ 9.50	
PINK-ETACTIVE SSTE		39.95 T
0667553293466	1 @ 39.95	
PNK SHOES		28.95 T
0667553462435	1 @ 28.95	
VS LOYALTY CARDS		0.00 T
0667554052383	1 @ 0.01	
Deal Discount Amt.	(0.01)	
Free \$20 Reward Card w/\$20 Purchase		
Total Discount	(0.01)	
Subtotal		87.90
Total Sales Tax		7.25
Total		95.15
Credit		95.15
AmEx 1014 883686 (A) Insert		

ACCT: AMEX INSERTED
AMERICAN EXPRESS

CARD # *****1014 EXP **/**

DATE/TIME: 08/13/2020 14:28:14

REF # AUTH # RESP 0

682017 883686 ISO 0

AID: A000000028010801

TS1: F800 ARC:00 CUR:0840

TUR: 0000008000

APP: AMERICAN EXPRESS

IAD: 06490108A0002

NETWORKNAME: AMEX

TOTAL \$ 95.15

Approved:

MODE : ISSUER

No Signature Required

Total Tender 95.15
Change Due 0.00
TOTAL ITEMS PURCHASED = 5
Customer Copy

[Click here to view our Return and Exchange Policy](#)

[FIND A STORE](#)
[ANGEL CARD](#)
[CUSTOMER SERVICE](#)

*Offer valid only at US, non-outlet Victoria's Secret stores. Subject to credit approval. The Angel Reward program is provided and solely operated by Victoria's Secret as application at register for important credit information. Add angel@victoriassecret.com to your address book to ensure our emails reach your inbox. This email was a message from Victoria's Secret, 8655 East Broad St, Reynoldsburg, OH 43068. If you have any questions, email help@victoriassecret.com or call 1-855-855-5 reply to this email. ©2013 Victoria's Secret. All rights reserved.

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18. As exemplified below, Defendant performs each step of Claim 1 of the '875 Patent:

[a] obtaining transaction data from a point-of-sale (POS) computer system at a store location, the transaction data including a plurality of categories of information necessary to describe a purchasing transaction of a customer at the store location;

19. Defendant obtains transaction data from a POS computer system at a store location. The transaction data includes a plurality of categories of information (e.g. item description, price, store location, etc.) necessary to describe a purchasing transaction of customer at a store location.

Alamo Quarry Market 255 E Basse Road SPACE 250 San Antonio, TX 78209 210-824-0625		
8/13/20	2:29 PM	Trans.: 2751
Store: 50873	Reg.: 003	Till: 1003
Cashier: 3026495		
SALE		
<div></div>		
PNK HEADWEAR		9.50 T
0667553847881	1 @ 9.50	
PNK HEADWEAR		9.50 T
0667553970114	1 @ 9.50	
PINK-ETACTIVE SS TEE		39.95 T
0667553293466	1 @ 39.95	
PNK SHOES		28.95 T
0667553462435	1 @ 28.95	
VS LOYALTY CARDS		0.00 T
0667554052383	1 @ 0.01	
Deal Discount Amt.	(0.01)	
Free \$20 Reward Card w/\$20 Purchase		
Total Discount	(0.01)	
Subtotal		87.90
Total Sales Tax		7.25
Total		95.15
Credit		95.15
AmEx 1014 883686 (A) Insert		

[b] obtaining image data from the POS system at a store location, the image data representing a receipt corresponding to the purchasing transaction of the customer at the store location;

20. Defendant obtains image data (e.g. information used to create a receipt, such as a barcode) from the POS system at a store location representing a receipt corresponding to the purchasing transaction of the customer at the store locations (e.g. the image data used to create the receipts of the transaction).

VICTORIA'S SECRET

Thank you for shopping at Victoria's Secret. The e-Receipt you requested is detailed below.

Alamo Quarry Market
235 E. Base Road
SPRACE 250
San Antonio, TX 78209
210-824-0625

8/13/20
Store: 50873
Cashier: 3026495

2:29 PM
Reg.: 002
Trans.: 2781
Till: 1003

GET THE LATEST INSPIRATION
VICTORIA'S SECRET ANGEL CARDS
NEW STYLES AND MORE!

Sign up at VictoriasSecret.com/FreeAngelCard

SALE

PINK HEADWEAR			
0667553347581	1 @ 9.50	9.50T	
PINK HEADWEAR			
0667553370114	1 @ 9.50	9.50T	
PINK ETACTIVE ES TEE			
0667553293465	1 @ 39.95	39.95T	
PINK SHOES			
0667553462435	1 @ 28.95	28.95T	
VS LOYALTY CARDS			
0667554052383	1 @ 0.01	0.00T	
Deal Discount Amt.	(0.01)		
Free \$20 Reward Card w/\$20 Purchase			
Total Discount		(0.01)	
Subtotal		87.90	
Total Sales Tax		7.25	
Total		95.15	
Cash		95.15	
AmEx - 1014 883686 (A) Insert			

ACCT: AMEX
AMERICAN EXPRESS INSERTED

CARD # *****1014 EXP --/--

DATE/TIME: 08/13/2020 14:28:24

BCT # AUTH # RECF 0

ES2017 883686 ISO 0

ASD: A0000000000000000000

TS1: F800 ARC:00 CUR:0840

TRN: 0000000000

APP: AMERICAN EXPRESS

IND: 04490100A02002

RETERMSNR: AMEX

TOTAL \$ 95.15

Approved

MODE: ISSUER

Mr. Signature Required

Total Tender 95.15

Change Due 0.00

TOTAL ITEMS PURCHASED = 5 Customer Copy

[Click here to view our Return and Exchange Policy](#)

FIND A STORE ANGEL CARD CUSTOMER SERVICE

*Offer valid only at US, non-outlet Victoria's Secret stores. Subject to credit approval. The Angel Reward program is provided and solely operated by Victoria's Secret and may change or discontinue at any time. See the Angel Card application at register for important credit information. Add previd@victoriasecret.com to your address book to ensure our emails reach your inbox. This email was sent from a message from Victoria's Secret, 8665 East Broad St, Reynoldsburg, OH 43068. If you have any questions, email TelVictoria@victoriasecret.com or call 1-866-866-0000. Reply to this email. ©2013 Victoria's Secret. All rights reserved.

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5087300327510813202

*Offer valid only at US, non-outlet Victoria's Secret stores. Subject to credit approval. The Angel Reward program is provided and solely operated by Victoria's Secret and may change or discontinue at any time. See the Angel Card application at register for important credit information. Add previd@victoriasecret.com to your address book to ensure our emails reach your inbox. This email was sent from a message from Victoria's Secret, 8665 East Broad St, Reynoldsburg, OH 43068. If you have any questions, email TelVictoria@victoriasecret.com or call 1-866-866-0000. Reply to this email. ©2013 Victoria's Secret. All rights reserved.

img#:o3.aQG.aYB 180 x 117.99

ACCESSIBILITY

Name

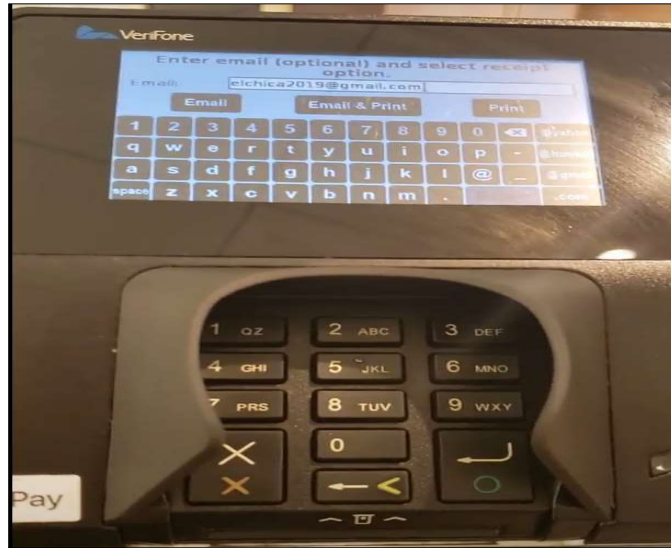
Role

Keyboard-focusable

5087300327510813202

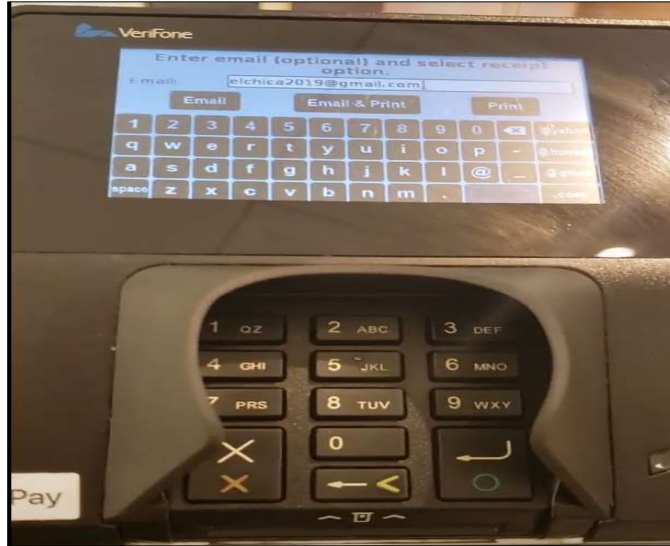
[c] obtaining an e-mail address of the customer from a customer information database persistently associated with the POS system;

21. Defendant obtains an e-mail address from the customer information database persistently associated with the POS system. Shown below, the customer's email address has been retrieved from a database and displayed on the POS system.



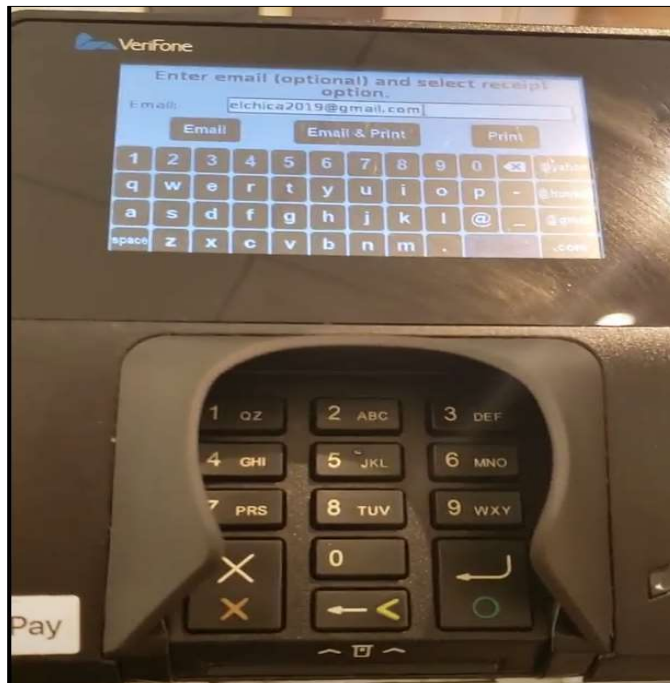
[d] providing, to a display device at the store location, an option to print the receipt at the store location and an option to e-mail the receipt to the customer;

22. Defendant provides an option to print the receipt at the store location and email the receipt to the customer. If a user selects “yes” the receipt is emailed to the customer. If the user selects “print only” the receipt is printed.



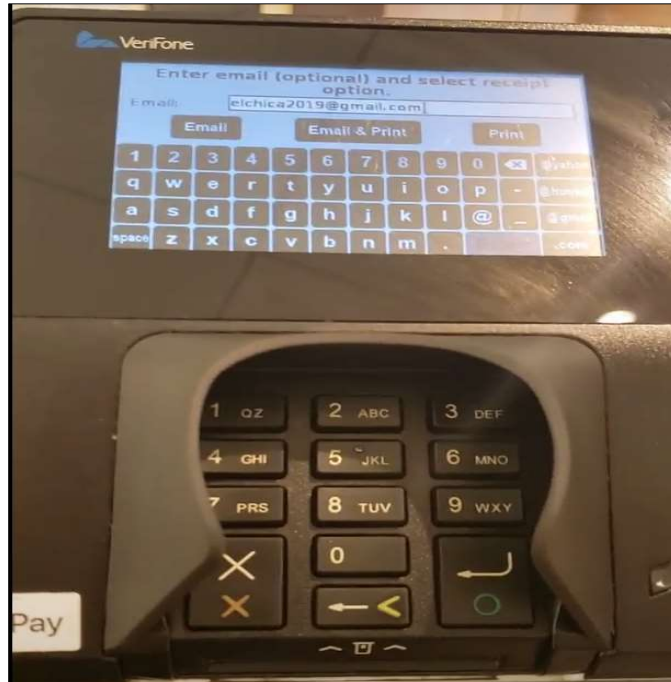
[e] obtaining a selection of at least one of the provided options;

23. The Defendant POS system is operable to obtain a selection of the provided options.



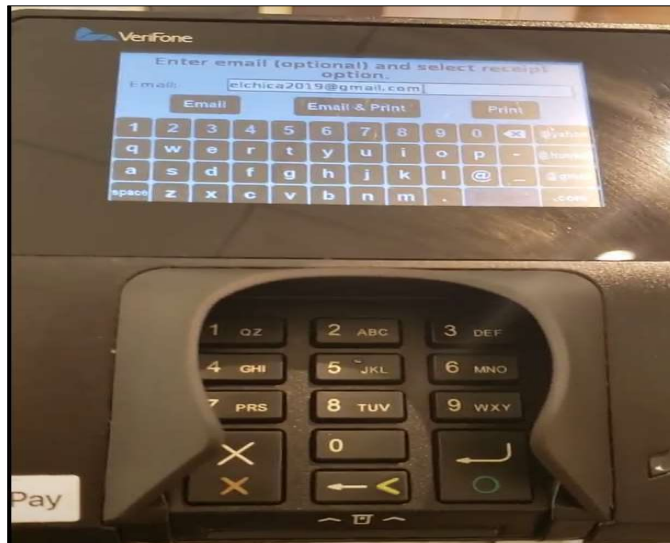
[f] if the option to print is selected, initiating printing of the image data at the store location; and

24. If a user selects “print only”, the image data is printed at the store location.



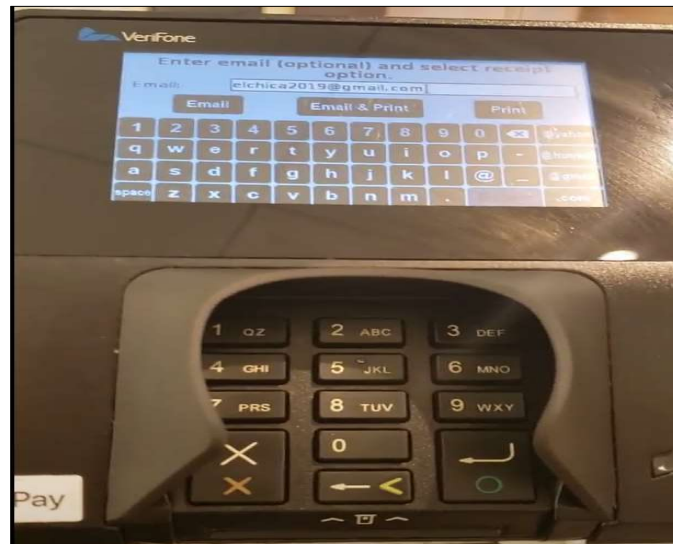
[g] if the option to e-mail is selected, e-mailing the receipt to the customer, including:

25. If the user selects “email and print” the receipt is emailed to the customer.



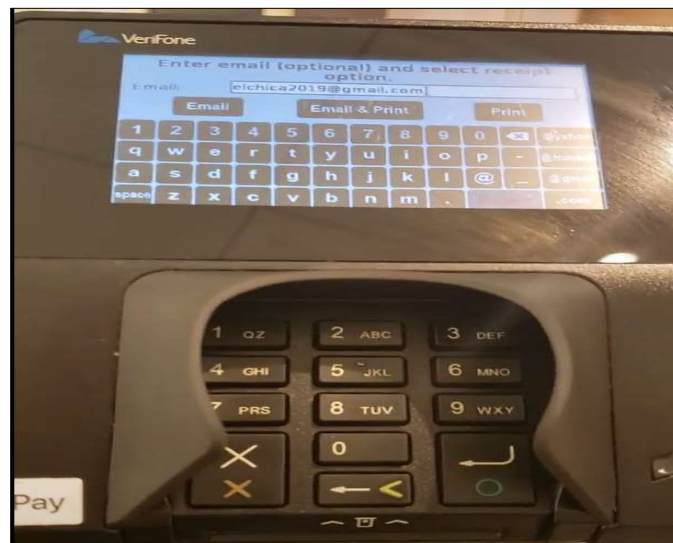
[g1] providing the e-mail address obtained from the customer information database to a display device at the store location;

26. The Defendant POS system provides the customer email address to a display device at the store location.



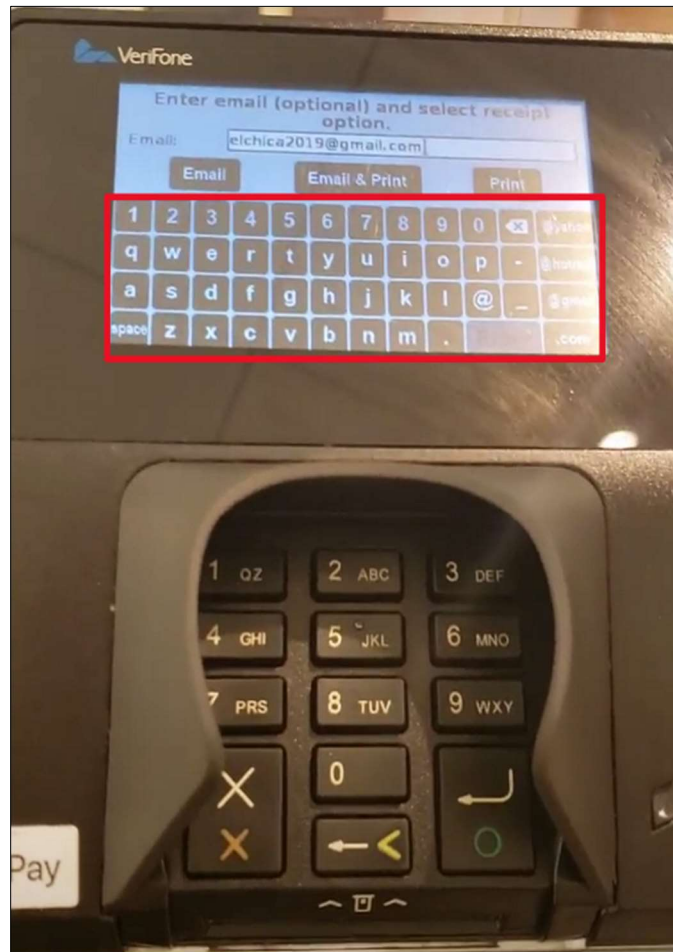
[g2] obtaining customer confirmation whether the e-mail address is correct;

27. The Defendant POS system is operable to obtain customer confirmation whether the e-mail address is correct.



[g3] if the e-mail address is not correct, obtaining a corrected e-mail address of the customer;

28. If the e-mail address is not correct, the Defendant POS system is operable to obtain a corrected e-mail address.



[g4] transmitting the image data and the transaction data to a server in communication with one or more POS systems at one or more store locations, including generating a data file, the data file including the transaction data, the correct e-mail address of the customer and a file name corresponding to the image data;

29. Defendant transmits the image data (e.g., data used to create a receipt image, including but not limited to a barcode) and the transaction data (e.g., categories of information necessary to describe a purchasing transaction) to a server in communication with the POS system (the receipt is emailed immediately, thus a server must be connected to the POS system).

VICTORIA'S SECRET

Thank you for shopping at Victoria's Secret. The e-Receipt you requested is detailed below.

Alamo Valley Market
 255 E Base Road
 SPACE 250
 San Antonio, TX 78209
 210.624-0623

8/19/20 2:29 PM Trans.: 2751
 Store: 50873 Reg.: 003 TR: 1003
 Cashier: 302495

SALE

GET THE LATEST INSIDERS
 VICTORIA'S SECRET EVENTS, LOOKS,
 AND MORE!
 Sign up at VictoriasSecret.com/SignUp by

PINK HEADWEAR		9.50 T
0627553847891	1 @ 9.50	9.50 T
PINK HEADWEAR		9.50 T
0627553970114	1 @ 9.50	9.50 T
PINK TACTICAL TEE		39.95 T
0627553293466	1 @ 39.95	39.95 T
PINK SHOES		28.95 T
0627553202435	1 @ 28.95	28.95 T
VS LOYALTY CARDS		0.00 T
0627554022383	1 @ 0.01	0.00 T
Deal Discount amt.		(0.01)
Total Discount		(0.01)
Subtotal		87.00
Total Sales Tax		7.25
Total		94.15
Credit		94.15
AmEx 1014 888686 (A) Insert		

ADD: AMEX **INSERTED**

AMERICAN EXPRESS

CARD # *****1034 EXP **/+*

DATE/TIME 08/19/2020 24:25:14

REF # AUTH # RESP #

RESULT 1200 0

RESERVE

AID: A000000025010601

TRF: FROM ABC-05 CTR: 0940

TVR: 0000005000

APP: AMERICAN EXPRESS

TAD: 0490103A02008

MEMORANDUM: AMEX

TOTAL \$ 94.15

Approved

MODE: 1 ISSUER

Re: Signature Required

Total Tender 94.15

Change Due 0.00

TOTAL ITEMS PURCHASED = 5

Customer Copy

[Click here to view our Return and Exchange Policy](#)

FIND A STORE

ANGEL CARD

CUSTOMER SERVICE

*Offer valid only at US, participating Victoria's Secret stores. Subject to credit approval. This Angel Reward program is provided and solely regulated by Victoria's Secret or its affiliates as required for important credit information. Add AngelRewards@victoriassecret.com to your address book to receive our emails about your credit. This email was sent by Victoria's Secret, 6055 East Broad St, Plymouth, OH 43056. If you have any questions, email AngelRewards@victoriassecret.com or call 1-800-850-0011 by the end. ©2020 Victoria's Secret. All rights reserved.

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AMEX 30103 7 94094 9238

30. Defendant generates a data file that includes the transaction data (e.g., categories of information necessary to describe a purchasing transaction) the correct email address of the customer and a file name corresponding to the image data. (e.g., the barcode's file name).

VICTORIA'S SECRET


Thank you for shopping at Victoria's Secret. The e-Receipt you requested is detailed below.

Alamo Quality Market
 255 E Basse Road
 SPACE 250
 San Antonio, TX 78209
 210-824-0623

8/19/20 2:29 PM Trans.: 2751
 Store: 50873 Reg.: 003 TR: 1003
 Cashier: 302495

GET THE LATEST INSIDE LOOK
 VICTORIA'S SECRET EVENTS, OFFERS,
 AND MORE. FOLLOW US ON FACEBOOK

Sign up at VictoriaSecret.com/SignUp by



PINK HEADWEAR		9.50 T
062755387891	1 @ 9.50	9.50 T
PINK HEADWEAR		9.50 T
0627553970114	1 @ 9.50	9.50 T
PINK TACTICAL TEE		39.95 T
0627553293466	1 @ 39.95	39.95 T
PINK SHOES		28.95 T
0627553240436	1 @ 28.95	28.95 T
VS LOYALTY CARDS		0.00 T
0627554022383	1 @ 0.01	0.00 T
Deal Discount amt.	(0.01)	
Total Discount		(0.01)
Subtotal		87.00
Total Sales Tax		7.25
Total		94.25
Cash		94.25
AmEx 1014 888686 (A) Insert		

ADD: AMEX
 AMERICAN EXPRESS

=====1034 EXP **/+*

DATE/TIME: 08/19/2020 14:25:14

REF # AUTH # RESP #

RESP# 1200 0

RESP# 1200 0

AID: A000000025010601

TXF: FROM AMEX-05 CTR: 0940

TVR: 0000005000

APP: AMERICAN EXPRESS

TAD: 0490103A02008

RECORDNAME: AMEX

TOTAL \$ 94.25

Approved

MODE: 1 ISSUER

Re: Signature Required

=====

Total Tender 94.25







Change Due 0.00

TOTAL ITEMS PURCHASED = 5

Customer Copy


Click here to view our Return and Exchange Policy

[FIND A STORE](#)
[ANGEL CARD](#)
[CUSTOMER SERVICE](#)

*Offer valid only at US, participating Victoria's Secret stores. Subject to credit approval. This Angel Reward program is provided and solely operated by Victoria's Secret of America, Inc. for the purpose of providing information. For more information, please visit VictoriaSecret.com/Angel to your nearest store to receive our credit card. This email was sent from Victoria's Secret, 8000 East Broad St, Plymouth, PA 19068. If you have any questions, email VictoriaSecret@victoriassecret.com or call 1-800-850-0000.

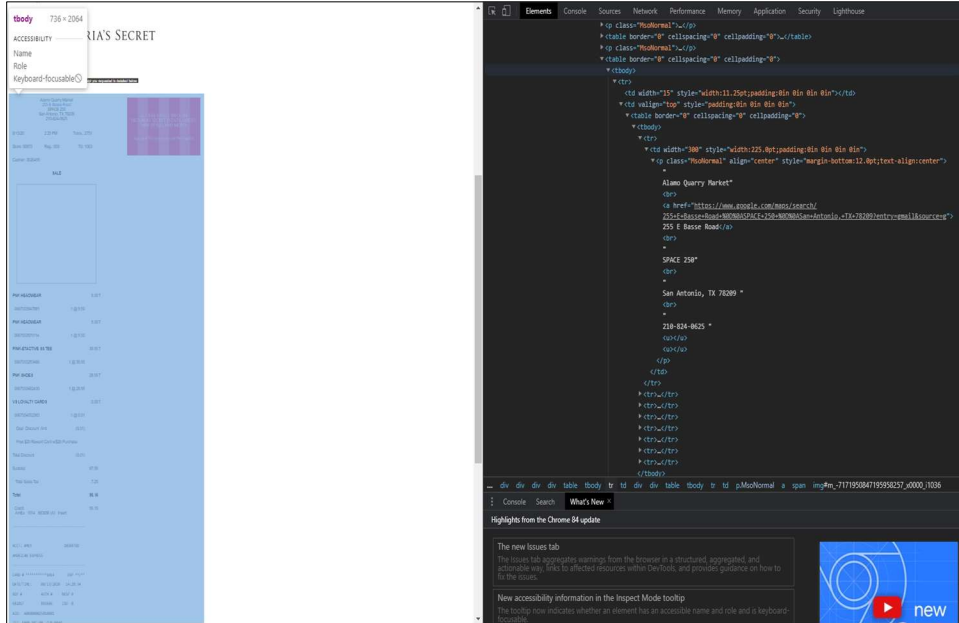
[Message clipped] [View entire message](#)



0627 30133 7 54094 92388

[g5] assigning an e-mail template based on the data file transmitted to the server; and

31. The Defendant POS system assigns an e-mail template based on the data file transmitted to the server.



[g6] sending an e-mail to the correct customer e-mail address, wherein the content of the email is based on the assigned e-mail template, where the e-mail provides the image data obtained by the server.

32. Defendant sends an email to the correct customer email address and the content of the email is based on the assigned e-mail template (e.g., HTML template shown in previous slide) and the e-mail provides the image data obtained by the server (e.g., the information used to create a receipt image).

33. eCeipt is entitled to recover from Defendant the damages sustained by eCeipt as a result of Defendant's infringement of the '875 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

WHEREFORE, eCeipt requests that this Court enter judgment against

Defendant as follows:

- A. An adjudication that Defendant has infringed the '875 patent;
- B. An award of damages to be paid by Defendant adequate to compensate eCeipt for Defendant's past infringement of the '875 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of eCeipt's reasonable attorneys' fees; and
- D. An award to eCeipt of such further relief at law or in equity as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: August 17, 2020

Respectfully Submitted

/s/ Raymond W. Mort, III

Raymond W. Mort, III

Texas State Bar No. 00791308

raymort@austinlaw.com

THE MORT LAW FIRM, PLLC

100 Congress Ave, Suite 2000

Austin, Texas 78701

Tel/Fax: (512) 865-7950

ATTORNEYS FOR PLAINTIFF